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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,738	05/26/2004	Chengshing Lai	11817-US-PA	3737

31561 7590 04/19/2007
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

DEAN, RAYMOND S

ART UNIT PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/709,738

Applicant(s)

LAI ET AL.

Examiner

Raymond S. Dean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 10 and 11 are objected to because of the following informalities: Claims 10 and 11 are identical. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheiky et al. (US 2005/0107073).

Regarding Claim 1, Cheiky teaches a method of transmitting an audio/video data using a mobile communication apparatus complying with a personal handyphone system (PHS), the method comprising: selecting an audio/video data to be transmitted (Sections 0003, 0029 – 0030); transforming the audio/video data into at least one data packet based on a permitted data flow specified by PHS; and transmitting the data packet (Sections 0003, 0029 – 0030).

Regarding Claims 2, 6, Cheiky teaches all of the claimed limitations recited in Claims 1, 4. Cheiky further teaches wherein the step of transmitting the data packet comprises transmitting the data packet through a mobile communication switchboard (Figure 1, Section 0028, the wireless network (16) handles the switching thus enabling the end user to receive the data).

Regarding Claims 3, 7, Cheiky teaches all of the claimed limitations recited in Claims 1, 4. Cheiky further teaches wherein a format of the audio/video data is one selected from a group consisting of audio, image and video (Section 0003).

Regarding Claim 4, Cheiky teaches a method of receiving an audio/video data using a mobile communication apparatus complying with a personal handyphone system (PHS), the method comprising: receiving at least one message data (Sections 0003, 0029 – 0030); determining whether or not the message data is a data packet; and wherein when the data message is the data packet, the data packet is transformed into an audio/video data (Sections 0003, 0029 – 0030, 0032 – 0033).

Regarding Claim 5, Cheiky teaches all of the claimed limitations recited in Claim 4. Cheiky further teaches storing the audio/video data into an audio/video database associated with the mobile communication apparatus after the data packet is transformed into the audio/video data (Section 0034, data compression is used to minimize the amount of storage space required).

4. Claims 8 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheiky et al. (US 2005/0107073) in view of Ha et al. (US 7,099,273).

Regarding Claim 8, Cheiky teaches a method of communication between a communication apparatus and a mobile communicating apparatus using audio/video data, the communication and mobile communication apparatuses complying with a personal handyphone system (PHS) (Figure 1, Sections 0003, 0029 – 0030), the method comprising: selecting an audio/video data to be transmitted via the first mobile communication apparatus (Figure 1, Sections 0003, 0029 – 0030); transforming the selected audio/video data into at least one data packet via the communication apparatus based on a permitted data flow specified by PHS; transmitting the data packet via the communication apparatus (Sections 0003, 0029 – 0030); receiving the data packet via the mobile communication apparatus (Sections 0003, 0029 – 0030); and transforming the data packet into the audio/video data via the mobile communication apparatus (Sections 0003, 0029 – 0030, 0032 – 0033).

Cheiky does not teach a first mobile communication device.

Ha, which is in the same field of endeavor, teaches a mobile server that streams multimedia data via a wireless network to and end user (Figure 1, Col. 6 lines 14 – 23, lines 35 – 37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the mobile server of Ha as an alternative means for streaming multimedia data to the end user.

Regarding Claim 9, Cheiky in view of Ha teaches all of the claimed limitations recited in claim 8. Cheiky further teaches wherein the step of transmitting the data packet comprises transmitting the data packet via a mobile communication switchboard

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(Figure 1, Section 0028, the wireless network (16) handles the switching thus enabling the end user to receive the data).

Regarding Claims 10, 11, Cheiky in view of Ha teaches all of the claimed limitations recited in claim 8. Cheiky further teaches wherein a format of the audio/video data comprises one selected from a group consisting of audio, image and video (Section 0003).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raymond S. Dean
April 4, 2007


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
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